

**APPROVED MINUTES**  
*(APPROVED OCTOBER 18, 2001)*

**MONTGOMERY COUNTY REDISTRICTING COMMISSION, 2001**  
**WEDNESDAY, OCTOBER 3, 2001 AT 7:00 PM**

6<sup>th</sup> Floor Conference Room - Council Office Building  
Rockville, MD

**COMMISSIONERS PRESENT**

Shirley Small-Rougeau, Chair  
Bill Sher  
Andrew Morton  
Steve Berry  
Jayne Plank  
Harry Lerch  
David Davidson  
William Roberts  
Jason Tai

**STAFF**

Ralph Wilson, Council Staff  
Carol Edwards, Council Staff  
Pamela Zorich, Planner, Park & Planning  
Ed Lattner, County Attorney's Office

**GUESTS**

Dale Tibbitts, Citizen PAC  
Joy Nurmi, Praisner Office  
George Sauer, Republican Central Committee  
Martha Cadle, Montgomery Village Resident  
Ann Swain, Montgomery Village Resident  
Richard Wright, Montgomery Village Foundation  
Jan Watson, District 39 Area Coordinator  
Steve Henry, Precinct Chairman 9-7  
Marie VanWick, Montgomery Village Resident  
Jane Wilder, Precinct 9-7 Vice Chair  
Richard Wilder, Montgomery Village Resident

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The meeting was called to order by the Chair at 7: 04 p.m.

**Overview**

The Chair, Ms. Small-Rougeau, commented that since February the Commission has put several plans on the table, and has looked at every municipality, district and precinct in order to achieve their goals. She asked the Commissioners to think about what they had said at the first meeting about their desires and objectives for serving on the Commission and to compare that to where they are today. She reminded the Commissioners that their task is to make all the districts as equal with the new census data they have, while also making them compact and contiguous. We must also remain within the letter of the law at all times. The objective tonight is to go away at the end of this meeting with a Plan because there are other important tasks to be completed

before our deadline. We all desire to give the Council a high quality product that we can be proud of.

The Chair asked the Commissioners/staff and visitors to introduce themselves.

### **Approval of September 19 Minutes**

Chair Rougeau asked for approval of the minutes of the previous meeting. The Commissioners moved and voted unanimously to approve the September 19th minutes as submitted.

### **Public Comments**

Visitors from Montgomery Village were asked to make comments.

Dick Wright, President, Montgomery Village Foundation Board of Directors. Mr. Wright presented and distributed to the Commission for the record, written testimony on behalf of the Montgomery Village Foundation. As stated in the written testimony, Montgomery Village is concerned about precinct 9-7 being split from District 2. Montgomery Village is totally against this proposal (see testimony submitted).

Martha Cadle, Montgomery Village Resident. Ms. Cadle testified that maybe some people think that the library is in Gaithersburg. The Gaithersburg-Montgomery Village Regional Library is located in the Town Sector zone of Montgomery Village. She also has a copy of a deed that shows that Kettler brothers deeded the property to the County for the purpose of building a library in 1977. Ms. Cadle submitted a map of the Town Sector zone which shows where the library is located. She also stated that Montgomery Village wants to be in one district and does not want to be separated and suggested that the Commission could annex precincts 9-22 and 9-23 that are not in the Village rather than precinct 9-7. Ms. Cadle submitted other written materials.

Jane Watson, Area Coordinator, Montgomery Village. Ms. Watson is against moving precinct 9-7.

Ann Swain, Montgomery Village Resident. Ms. Swain agreed with Ms. Watson and asked the Commission not to move precinct 9-7.

Jane Wilder, Democratic Vice Chair of Precinct 9-7. Ms. Wilder stated that Precinct 9-7 is a key part of Montgomery Village. She is against moving precinct 9-7.

Richard Wilder, Montgomery Village Resident. Mr. Wilder feels that it is important to keep the Village together because of the excessive development going on in Gaithersburg and Germantown. Does not want precinct 9-7 moved.

Steve Henry, Precinct Chair 9-7, Montgomery Village. Mr. Henry adamantly opposed moving his precinct (9-7) to District 3. He stated that over the years he had spent a lot of time building up this precinct.

The Chair reminded the visitors that ultimately the County Council could change the Plan recommended by the Commission. She also stated that the County Council will hold a public hearing on the recommended Plan, at which time the public will have another opportunity to comment.

## **Plan L Review**

The Chair reminded the Commissioners that at the previous meeting (September 19) Plan L was on the table. She suggested that the Commission review Plan L further, and look at the possible changes to precincts to equalize the population.

Commissioner Davidson summarized the goal of Plan L. He stated that the goal of Plan L is to reconsider all positions taken at the public hearing in respect to the various communities. Plan L moved precincts 6-3 and 6-5 into District 3. Plan L strives to keep the population as close to the target population in every district while keeping the core of Olney in one district and considering the concerns of Aspen Hill and North Potomac. The Plan attempts to meet the legal requirements and the ideal target population of 174,668.

Commissioner Berry commented on the concern of the Olney community's strong feeling to keep the core of the community together.

## **Plans M through Q**

Commissioner Roberts opened his comments in response to the concerns expressed by the residents of Montgomery Village. He noted that the action of the Commission in moving Precinct 9-7 from District 2 to District 3 was not approached in a cavalier manner, nor had any of the work done by all of the Commissioners in moving selected precincts been approached anything close to a cavalier manner. Mr. Roberts explained that the proposed shift of Precinct 9-7 was based upon a number of factors: 1) the strong testimony received by the Commission to keep all of Precinct 6-1 in District 2; 2) the testimony from a number of groups and individuals in the Olney area seeking to keep the greater Olney area in a single district; 3) the Commission's stated goal that it would not split any municipality, such as Gaithersburg or Rockville, between different districts; 4) the fact that District 2 simply must lose some of its excess population; and 5) the fact that, if a particular district is to have a variation off of the ideal number of 174,668 persons, it would be preferable to have a negative number in District 2, since that is the district that most likely will experience the most growth before the next census and the next redistricting ten years hence.

Commissioner Roberts then reviewed Plans M through Q. Commissioner Roberts noted that Plans M, N and O were provided as background information to show how the population and percentage variations would change with moving each of the three proposed precincts as discussed at the Commission's meeting of September 19 in reviewing Plan L.

Plan M was based upon Plan L, with simply moving Precinct 9-7 from the proposed District 2 to the proposed District 3. This would result in a  $-2.31\%$  variation in District 2, which is preferable, but would result in a maximum percentage variation of 5.56 overall, which is substantially more than the 3% variation in Plan L as originally proposed.

Plan N also moved Precinct 9-7 from District 2 to District 3, but also moved Precinct 8-7E from District 4 back into District 2. This change reduced the variation in District 2 to  $-1.38\%$ , and also reduced the maximum variation for all districts off of the zero mark to 4.93%.

Plan O, in addition to moving Precinct 9-7 into District 3 and Precinct 8-7E into District 2, also moved Precinct 9-23 into District 2. These combined three changes resulted in a negative variation in District 2 of .06%, and a maximum percentage variation of 3.60%.

Plan P was a variation of Plan O, and simply moved Precinct 8-7E back into District 4 as proposed in Plan L reviewed at the Commission's September 19 meeting. Plan P resulted in a negative variation in District 2 of .98%, and reduced the total maximum percentage variation off of zero to 2.9%, .1% less than Plan L.

Finally, Commissioner Roberts presented to the Commission what he described as a more ambitious plan to reduce the maximum percentage variation further, yet continue to keep the entirety of the existing Precinct 8-7 within District 2, which Commissioner Roberts indicated he believed was more appropriate to be part of District 2, given its rural nature. Plan Q also built off of Plan L with the following changes: move Precinct 9-23 from District 3 to District 2; 9-7 from 2 to 3; 4-27 from 3 to 1; 4-26 from 1 to 5, 13-63 from 5 to 4; and 8-7E from 4 to 2. Commissioner Roberts explained that he based these various changes upon previous plans submitted by democratic members of the Commission and also took into consideration, as nearly as practicable, testimony received by the Commission from various groups and individuals at its public hearing of September 10.

Commissioner Roberts indicated that Plan Q would appear to address, to the maximum extent possible, the interests of having District 2 at or below the ideal target population. Plan Q would have a  $-0.06\%$  variance in District 2. Plan Q also would allow the entirety of 8-7 to remain in District 2. Finally, the total maximum variation for Plan Q would be 1.59%, with a maximum variation in all precincts of  $+0.82\%$  in District 3, and  $-0.77\%$  in District 5. Commissioner Roberts requested that the Commission seriously consider the advantages presented by Plan Q, notwithstanding the concerns of residents of Montgomery Village in attendance at the Commissioner's meeting.

The Commission continued to discuss the boundaries of Montgomery Village. Mr. Wright presented a map for the Commission, citing the boundaries of Montgomery Village. The Chair, Ms. Small-Rougeau, also distributed to the Commission a map of precinct 9-7.

Commissioner Sher assured the representatives from Montgomery Village that the Commissioners had reviewed and taken into consideration all the comments made throughout all the Commission meetings; and that the concern of the Montgomery Village community was taken up at the September 19 meeting.

Commissioner Berry commented on precinct 8-7. He stated that precinct 8-7 is characterized by large lot development and is more of an agricultural area further west. He feels that it is legitimate to keep this precinct with the Sandy Spring area.

Commissioner Davidson continued the discussion on Plan L. Plan L puts precinct 9-7 into District 2 and leaves precinct 8-7E out. Plan L keeps the core of Olney and Montgomery Village in tact.

Commissioner Sher made a motion that the Commission should approve Plan L and the motion was seconded. The Chair asked for a show of hands on Plan L. Five (5) Commissioners, Small-Rougeau, Tai, Sher, Davidson and Berry voted in favor. Two (2) Commissioners, Roberts and Morton voted against. Commissioners Plank and Lerch did not vote at this point. Commissioner Plank suggested that the Commission consider putting precinct 8-7E back into District 2. However, she expressed concern that District 2 is still the largest district and the one projected to grow in the next 10 years. Commissioner Morton stated that he would not vote on a Plan that shows District 2 as the largest district. The Chair asked for another vote and the same five Commissioners who voted in favor of the Plan voted yes again. The Chair asked if the Commissioners needed additional time for discussion and if there was any unreadiness to vote. Commissioner Lerch asked the Chair if it would be appropriate to have a recess. At this point, the Commission recessed.

When the meeting resumed the Chair asked if the Commissioners needed to have any additional discussion. Commissioner Lerch said he was still troubled with the size of District 2. Commissioner Plank asked whether the Commission had the option to present a better Plan at the next meeting on October 18. Ms. Rougeau reminded the Commission that they had tweaked many Plans to come up with the two Plans and that they do have a deadline. Mr. Roberts agreed that the Commission should come up with a Plan at tonight's meeting but they could still reconsider something and come back with a better Plan.

The Chair asked the Commissioners to vote again on Plan L. Commissioner Sher restated his motion to adopt Plan L. Commissioners Small-Rougeau, Tai, Davidson, Sher and Berry voted yes. Commissioners Roberts, Plank, Morton and Lerch voted no. On a vote of 5 to 4, Plan L was adopted as the Commission's Plan to submit to the Council.

Commissioner Morton made a motion to adopt Plan Q as a substitute plan. Four (4) Commissioners, Lerch, Roberts, Plank and Morton voted in favor of Plan Q. Five (5) Commissioners, Small-Rougeau, Berry, Davidson, Sher, and Tai were opposed. Plan Q failed.

## **Final Report**

Council staff indicated that staff from the Board of Elections would develop the geographic description of the various Council Districts for the final report.

The Chair stated that although the final report is primarily the Chair's responsibility, she welcomed input from any of the other Commissioners. Mr. Lattner will review the report for

legal issues. Commissioner Roberts offered to write a section commenting on how the Commission worked with the recent changes in the Charter. Commissioner Roberts noted that at least one individual at the September 10 public hearing requested that the Commission include as an appendix to its report to the County Council with a suggestion that all positions on the Montgomery County Council be elected by councilmanic district, thereby increasing the total number of districts and, according to that individual, making the job of the Commission somewhat easier, as well as, according to that individual, affording more opportunity for participation of candidates in councilmanic elections. Commissioner Roberts noted that in his opinion such an appendix would be unnecessary and inappropriate. Instead, he pointed out that Montgomery County has a standing Charter Review Commission, and it is the Charter Review Commission that is charged with the responsibility of considering and recommending proposed charter amendments to the County Council to be placed on the ballot.

Consequently, Commissioner Roberts suggested that although the matter of changing the number of councilmanic districts would not be appropriate for consideration or review by the Redistricting Commission it may be appropriate for the Commission to forward a copy of the subject public hearing testimony to the Charter Review Commission for their consideration, without comment or approval by the Redistricting Commission. The Chair stated that she thought a transmittal letter to the Charter Review Commission with a copy of the testimony attached would be appropriate, while making it clear that the Redistricting Commission had no position on that particular issue. Commissioner Roberts agreed to prepare a draft letter to the Charter Review Commission for the Chair's signature.

Commissioner Davidson volunteered to write a rationale for the recommended plan to be included in the final report.

The Chair asked that inputs for the report be presented at the October 18 meeting.

The Commission agreed to meet on October 18 and tentatively scheduled another meeting on October 29. Commissioners will determine if the October 29<sup>th</sup> meeting is necessary at the October 18<sup>th</sup> meeting. Copies of the Commission's meeting schedule were distributed to the representatives of Montgomery Village.

Meeting adjourned at 8:45 p.m.